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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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22850	7590	06/01/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			BRASE, SANDRA L	
1940 DUKE STREET			ART UNIT	
ALEXANDRIA, VA 22314			PAPER NUMBER	

2852

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A

<b>Office Action Summary</b>	<b>Application No.</b> 10/757,408	<b>Applicant(s)</b> OHTA ET AL.	
	<b>Examiner</b> Sandra L. Brase	<b>Art Unit</b> 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/9/05 & 4/1/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/139,508.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/9/05 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 6,397,020) in view of Funamizu et al. (US 6,385,406), Jamzadeh (US 5,488,456) and Yoshizawa et al. (US 6,301,452).

5. Kim (...020) discloses an image forming apparatus comprising: a recording sheet type detection device (100), disposed in a sheet conveying section (figure 2), configured to detect a coated sheet, where a glossy sheet is a coated sheet (col. 8, lines 37-41); an image forming device configured to form a visible image on a recording sheet (col. 8, lines 24-37; and figure 2) and a controller configured to control the image forming device not to form an image on the coated sheet according to a detection result of the sheet type detection device (col. 10, lines 18-28; col. 11, lines 39-51; and col. 12, lines 54-58). The detection device is configured to indicate that the type of sheet does not correspond to a desired type of the sheet (col. 5, lines 20-25; and col. 11, lines 39-65). The image forming apparatus further includes: a fixing device (70) configured to fix the visible image on the recording sheet; a sheet conveying device configured to convey the recording sheet to the fixing device (col. 9, lines 14-28); and the controller is configured to control the conveying device not to convey the coated sheet to the fixing device according to a detection result of the sheet type detection device (col. 11, lines 39-51). A method of forming an image, comprising: providing a recording sheet type detection device to detect a coated sheet (col. 8, lines 37-41); providing an image forming device to form a visible image on a recording sheet (col. 8, lines 24-37; and figure 2); controlling the image forming device not to form an image on the coated sheet according to a detection result of the recording sheet type detection device (col. 10, lines 18-28; col. 11, lines 39-51; and col. 12, line 54-58). The method

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further comprises: providing a fixing device (70) to fix the visible image on the recording sheet; providing a sheet conveying device configured to convey the recording sheet to the fixing device (col. 9, lines 14-28); and controlling the conveying device not to convey the coated sheet to the fixing device according to a detection result of the sheet type detection device (col. 11, lines 39-51). However, Kim (...020) does not disclose the claimed type of detection device and the detection device being disposed below an opening in a guide plate. Funamizu et al. (...406) discloses an image forming apparatus including a detecting device that detects a type of a sheet based on an amount of light reflected by a surface of the sheet (col. 10, lines 25-60). The detection device is configured to calculate a reflectivity of the sheet from the detected amount of light reflected by the surface of the sheet (col. 10, lines 25-60). A memory section is configured to store a relationship between the reflectivity of the sheet and the type of the sheet (col. 6, lines 8-16; and col. 9, lines 33-39), where the detecting device is configured to determine the type of the sheet by comparing the reflectivity of the sheet and the stored relationship (col. 9, line 33 – col. 10, line 60). The detecting device is configured to determine that the type of the sheet is at least one of a coated sheet (glossy), a film sheet (OHP) and a recycled sheet (col. 10, lines 41-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed type of detection device, as disclosed by Funamizu et al. (...406) since such a detection device is well known in the art to detect a sheet type in an image forming apparatus. Jamzadeh (...456) discloses a detection device (60) that detects the amount of light reflected from a sheet being positioned below a sheet (col. 4, lines 44-49; and figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the detection device place below a sheet to be detected, as disclosed by Jamzadeh (...456), since such a

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placement of a sheet detection device is well known in the art to detect a sheet being conveyed. Yoshizawa (...452) discloses a reflection detection device (22) that is placed adjacent an opening in a guide plate (23) that is configured to guide a sheet during conveyance of a sheet (col. 5, lines 51-57; and figures 1 and 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the detection device placed adjacent an opening in a sheet guide plate, as disclosed by Yoshizawa (...452), since such a placement provides detection of a sheet which is suppressed from fluttering by the guide plate.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is 571-272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on 571-272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Sandra L. Brase". The signature is fluid and cursive, with the first name "Sandra" and last name "Brase" clearly distinguishable.

Sandra L. Brase  
Primary Examiner  
Art Unit 2852

May 27, 2005